REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1, 8, 10, 15, 22, 24 and 27 have been amended. No claims have been cancelled. No new claims have been added. Therefore, claims 1-29 now are presented for examination.

35 U.S.C. § 112 Rejection

Claims 1, 10, 15, and 24 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 1, 10, 15 and 24 have been amended to obviate this rejection. Accordingly, Applicants respectfully request the rejection of claims 1, 10, 15 and 24 be withdrawn.

35 U.S.C. § 101 Rejection

Claims 1-9 stand rejected under 35 U.S.C. §101 because they are directed to non-statutory subject matter. Claim 1 has been amended to include "computer implemented" in the preamble. Accordingly, Applicants respectfully request that the rejection of claims 1-9 be withdrawn.

35 U.S.C. § 103 Rejection

Claims 1-3, and 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reiner, U.S. Patent No. 6,219,676 B1 ("Reiner"), in view of Steele et al., U.S. Patent No. 6,282,175 B1 ("Steele").

Reiner discloses "[a] method and system to establish and maintain cache coherency between a web server and one or more clients . . ." by ". . . *designating*

monitor areas on a data segment of the server, *determining if an activity occurs in one of the monitor areas, updating a change log if such activity occurs,* and *indicating the updated status of the change log to the clients.*" (Abstract lines 1-2, col. 2, lines 36-43, 48-52 and 57-60, col. 7, lines 28-64; emphasis provided). Claim 1, in pertinent part, recites "correlating the audit data and a set of rules with previous failures and previous security attacks to develop change patterns, wherein the change patterns are used to predict one or more of the following: future failures and future security attacks." (emphasis provided). Reiner does not teach or reasonably suggest such a feature.

Steele discloses "*A tracking system* that uses a revision control system and configuration status gathering *to historically track and store configuration changes in computers and interconnect devices* to aid in *managing and troubleshooting* networks of computer systems." (Abstract, lines 1-5; emphasis provided). In contrast, claim 1, in pertinent part, recites "correlating the audit data and a set of rules with previous failures and previous security attacks to develop change patterns, wherein the change patterns are used to predict one or more of the following: future failures and future security attacks." (emphasis provided). The managing and troubleshooting in Steele (see Abstract) are not the same as the change patterns used to predict future failures and future attacks. (see claim 1).

Stated differently, managing refers to maintaining a current status of a system, and troubleshooting refers to dealing with problems as they occur. Additionally, there is no indication in Steele that the configuration changes are used to predict future problems. (see Abstract). Conversely, the *change patters in claim 1 are used to predict future failures and future attacks*. Steele does not teach or reasonably suggest "correlating the audit data and a set of rules with previous failures and previous security attacks to develop change patterns, wherein the change patterns are used to predict one or more of

the following: future failures and future security attacks" as recited by claim 1. (emphasis provided). Therefore, Reiner and Steele neither individually nor when combined teach or reasonably suggest all the limitations of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependant claims.

Claim 15 contains limitations similar to claim 1, and thus for the reasons stated above with respect to claim 1, Applicants respectfully request the withdrawal of the rejection of claim 15 and its dependant claims.

Claims 4 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ("Reiner"), in view of ("Steele") and further in view of McDonald et al. U.S. Patent No. 6,530,065 B1, ("McDonald").

With regard to claims 4 and 18, they depend from independent claims 1 and 15, respectively and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 4 and 18.

Claims 5-7 and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ("Reiner"), in view of ("Steele") and in view of Jim Whitehead (Re: Snapshots) and further in view of Blea et al. U.S. Patent No. 6,212,531 ("Blea").

With regard to claims 5-7 and 19-21, they depend from independent claims 1 or 15 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 5-7 and 19-21.

Claims 8-9, 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ("Reiner"), in view of ("Steele") and in further view of BrainTree (Policy Manager).

With regard to claims 8-9, 22 and 23, they depend from independent claims 1 or 15 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 8-9, 22 and 23.

Claims 10-12 and 24-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ("Reiner"), in view of ("Steele") and further in view of Michael L. Nelson (The NASA Technical report server).

Independent claims 10 and 24 contain limitations similar to claim 1, and thus for the reasons stated above with respect to claim 1, Applicants respectfully request the withdrawal of the rejection of claims 10 and 24 and their dependant claims.

Claims 13 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ("Reiner"), in view of ("Steele") in view of ("The NASA Technical report server" and further in view of ("McDonald").

With regard to claims 13 and 28, they depend from independent claims 10 and 24, respectively and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 13 and 28.

Claims 14 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ("Reiner"), in view of ("Steele") in view of ("The NASA Technical report server" and further in view of ("RE: Snapshots").

With regard to claims 14 and 29, they depend from independent claims 10 and 24, respectively and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 14 and 29.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.
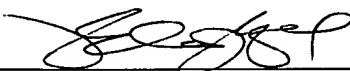
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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